REMARKS

This responds to the Office Action dated April 3, 2006.

The application concerns a poultry wing separator that separates the wings at their joints. Both left and right wings are advanced in sequence along a processing line with their outside surfaces facing the same direction, and with their outside surfaces at their elbow joints moved along an elbow guide. The outside surfaces of the wings are progressively bent about the elbow guide to open the elbow joint and the connecting tissue is severed. This separates the segments.

Status of Claims

Claims 1-9, 11 and 12 were allowed.

Claims 14 and 15 remain under rejection.

This response amends the rejected claims and submits new claim 16. Favorable reconsideration of the application is requested.

Claim Rejection – 35 USC 102(b)

Claim 14 is rejected under § 102(b) as being anticipated by Horst, et al., 5,569,069. Horst, et al. is newly cited. Horst, et al. discloses an apparatus for simultaneously cutting both left and right wings from poultry carcasses as illustrated in Fig. 2. After the wings have been cut from the carcass, the left and right wings are moved in separate processing paths to a pair of wing cutters for separating the segments of the wings. One of the wing cutters is shown in Fig. 4.

The Office Action indicates the step in the claims of advancing the wings in sequence along the processing path with the outside of the right and left wings facing the same direction, is shown

in Figs. 1 and 2 of Horst, et al. We note that Fig. 1 is a schematic and does not show the orientation of the wings. However, Fig. 2 of Horst, et al. shows how the wings are cut away from the carcass. This figure does not show the processing of the wings after they have been separated from the carcass. The later processing of the wings from one side of each bird is shown in Fig. 4 of in Horst, et al.

Horst, et al. describe that the wing separation function is performed by "*a pair* of wing tip cutters."[1] The process performed by the wing tip cutters of Horst, et al. do not advance the right wings and left wings in sequence along the processing path, or with the joints of the right wings facing oppositely along the processing path to the joints of the left wings.

Horst, et al. require a pair of wing tip cutters 82 (Fig. 4). Applicant requires only one, with both right and left wings being cut in the single apparatus.

In addition, Horst, et al. do not describe the direction in which the elbow joint of the poultry wings are bent. The "means for bending" of Horst, et al. are described at Col. 3, beginning at line 56. The cutting blades are described in Col. 4, line 10, with blade 112 being "the outward-facing blade" and with blade 126 being "an inward-facing blade." The blade 126 apparently "makes a

[1] Col. 3, beginning at line 26: "Just down stream of the shoulder cutters are a pair of wing tip cutters 82, each comprising a knife 94 mounted on a horizontal UHMW plate 86 whose lateral edges are received in respective fixed metal U-channels 88 so that--."

preliminary cut or nick in the outside of the elbow, to allow the joint to separate somewhat." (Col. 4, lines 10-13.)

Horst, et al. do not disclose the concept of bending and cutting in the manner as described in the claims by applicant. Applicant disagrees with the examiner's reasons for rejection.

Claim Rejection – 35 USC 103

Claim 15 was rejected under § 103(a) as unpatentable over Horst, et al. as applied to claim 14, and further in view of Lindert, et al. 5,494,479.

Since claim 15 depends from 14, and since Horst, et al. is inadequate to reject the limitations of claim 14, dependent claim 15 should be in condition for allowance.

The rejection based on Lindert, et al. is misplaced since Lindert, et al. do not separate wings at their joints. Lindert, et al., instead, *cuts the joints away from the rest of the wings*. This is clearly shown in Figs. 4 and 5 of Lindert, et al.

The Office Action indicates that Lindert, et al. show in Fig. 5 moving the pair of bones of the mid-wing segment at 11 laterally and popping the bones of the mid-wing laterally from the mid-wing segment. However, Lindert, et al. require that the bone segments be cut and the joint removed.

Lindert, et al. do not disclose in Fig. 6A, 7A and 8A the concept of moving the pair of bones of the wing laterally and popping the bones from the mid-wing segment laterally from the mid-wing segment. In contrast, Lindert, et al. show the *deboning* of the wing by *moving the meat longitudinally off the bone*. This is not the same thing.

Lindert, et al. is not analogous prior art. Applicant disagrees with the examiner's reasons for rejection. There is nothing in Lindert, et al. that can be borrowed so as to cure the defects of Horst, et al. in the rejection of the claims.

New Claim

New independent claim 16 sets forth the step of advancing both the left and right poultry wings in sequence along a processing path, the outside surfaces of the right and left wings facing in the same direction, and the elbow joints of the right wings facing opposite to the elbow joints of the left wings. This is not anticipated by or obvious in view of either Lindert, et al. or Horst, et al. Lindert, et al cuts the joints away from the wing, and Horst, et al requires a "pair" of wing cutters.

Claim 16 further states that as the right and left wings are moved along the processing path, moving the outside surfaces of the right and left wings at their elbow joints along an elbow guide, and then progressively bending the right and left poultry wings at their joints about the elbow guide positioned on the outside surface of the poultry wings. This opens the joints beginning at the insides of the joints as the outsides of the joints are bent around the guide. Neither of the applied references suggest this concept.

Further, opening the joints in this direction is preferred because it is believed that this is the direction in which the opening of the elbow joint can more effectively take place with less force and with more reliable joint opening without fracture of the bones.

Summary

Applicant acknowledges with thanks the allowance of claims 1-9, 11 and 12. Applicant requests reconsideration of claims 14 and 15, and consideration of new independent claim 16.

Applicant submits that all of the claims of the application, as currently submitted, adequately distinguish over the applied prior art, and favorable reconsideration of the application is courteously solicited.

Respectfully submitted,

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